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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR-15 00416 WHA
	)	
	)	<b>STIPULATION TO CONTINUE DEFENDANT</b>
v.	)	<b>CLAUDIO MACIEL'S MAY 10, 2016</b>
	)	<b>SENTENCING HEARING AND <del>PROPOSED</del></b>
CLAUDIO MACIEL	)	<b>ORDER</b>
	)	
Defendant	)	

This stipulation is submitted on behalf of the government and defendant CLAUDIO MACIEL. Mr. MACIEL has pleaded guilty to possession of a firearm in violation of 18 U.S.C. section 922(g)(1) on February 24, 2016. Mr. MACIEL is currently detained.

Defense counsel and the government submit this stipulation to postpone the sentencing hearing because of government counsel's obligations in other cases and because defense counsel wants the contested issues in *United States v. Cestoni*, CR 15-416-WHA, resolved prior to Maciel's sentencing. Specifically, AUSA Gray has opposition motions to a motion to suppress, a motion to dismiss, and a STIP TO CONTINUE MACIEL SENTENCING HEARING  
15-CR-00416 WHA

1 motion to return property due to be filed on May 3, 2016, in *United States v. Salas*, CR 14-0413-JSW.  
2 AUSA Dawson is presently in trial in *United States v. McGaha*, CR 15-0126-WHA. Both AUSA Gray  
3 and Dawson have post-trial pleadings due in *United States v. Cestoni*, CR 15-416-WHA, by noon on  
4 May 3, 2016. As a result, government counsel asks that the matter be continued to allow the  
5 government sufficient time to file its sentencing memorandum in this matter.

6 Defense counsel asks that the matter be continued because he believes that post-trial motions in  
7 *Cestoni* may have direct and/or indirect consequences on Mr. Maciel's sentencing hearing.

8 Given the foregoing, the parties to this stipulation respectfully request that the scheduled  
9 sentencing hearing on May 10, 2016 be vacated and continued until **June 7, 2016**, or until a later date of  
10 the Court's convenience.

11 Dated: April 28, 2016

12  
13 SO STIPULATED:

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15 \_\_\_\_\_  
16 JOHN D. FORSYTH  
17 Counsel for CLAUDIO MACIEL

18  
19 SO STIPULATED:

20 BRIAN J. STRETCH  
21 Acting U.S. Attorney

22 \_\_\_\_\_/s/\_\_\_\_\_  
23 ANDREW F. DAWSON  
24 Assistant U.S. Attorney

25 \_\_\_\_\_/s/\_\_\_\_\_  
26 LAURIE KLOSTER GRAY  
27 Assistant U.S. Attorney

28 STIP TO CONTINUE MACIEL SENTENCING HEARING  
15-CR-00416 WHA

~~[PROPOSED]~~ ORDER


For the reasons stated in the parties' stipulation to vacate the May 10, 2016 sentencing hearing date for co-defendant, CLAUDIO MACIEL, it is hereby ORDERED that:

- (1) The May 10, 2016 sentencing hearing is vacated as to defendant CLAUDIO MACIEL and defendant MACIEL shall appear for sentencing on ~~June 7, 2016~~

June 14, 2016 at 1:30 P.M.

IT IS SO ORDERED.

DATED: April 29, 2016.

  
HON. WILLIAM H. ALSUP  
United States District Court

STIP TO CONTINUE MACIEL SENTENCING HEARING  
15-CR-00416 WHA